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BENIN

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I. LAND AND PEOPLE

A. Land

Geographical situation of Benin

1. The Republic of Benin is situated in West Africa. It borders on the Atlantic Ocean to the south, on Burkina Faso and Niger to the north, on Togo to the west and Nigeria to the east. It is 700 km long and 325 km at its widest and covers an area of 112 622 km. It has a population of 4 915 555 inhabitants, for a density of 42 inhabitants per km. Only about 15 per cent of the unevenly distributed 70 500 km of arable land is used.

Relief, geology and climate

Relief and geology

2. The country is not very mountainous. The average altitude is 200 metres. Benin is fairly flat and slopes gradually from north to south. The Atacora cliffs rise up to over 600 metres. The centred plateaux are dotted with hills and the plains of the southern lagoon give onto a low coastline.

3. As they decompose, Benin's ancient rock formations produce either fertile sandy or clayey soils, or infertile ferruginous crusts known as laterites.

Climate and rainfall

4. By its latitude, Benin belongs to the region of warm, humid, intertropical climates, with the monsoon in August and the harmattan in December.

5. There are three main types of climate:

- The equatorial climate in the south, with two rainy seasons, where the forest has been replaced by palm plantations. Porto-Novo, the capital, and Cotonou, the largest city, situated within this climatic zone, have temperatures varying between 20 and 34° C.

- The Sudanese climate has only one rainy season and one dry season to the north. This is a climate of forests and savannas.

- The tropical climate of the highlands is cooler. In the north, where this climate prevails, however, maximum temperatures can rise to 46° C.

6. Apart from the Atacora region, which has an average annual rainfall of 1 300 mm, average annual rainfall varies around 1 100 mm. The height of rainfall in the south is 13 mm in December and 366 mm in June. This considerable variation affects the waterways.

7. Benin has a fairly extensive network of permanent waterways, which run in two main directors, either northwards towards the Niger river (Mékrou, Alibori, Sota) or southwards to the Atlantic Ocean.

8. The Atacora is Benin's water reservoir. From its highlands, many waterways descend either to the Niger, to Burkina Faso, to Ghana or to the ocean. The largest river is the Ouémé.

Administration

9. From the point of view of territorial administration, the country is divided into six provinces, Atacora, Atlantique, Borgou, Mono, Ouémé and Zou, each headed by a prefect. These provinces are subdivided into urban constituencies and sub-prefectures, then into municipalities, villages or urban neighbourhoods. A reform of the territorial administration is currently being drafted to take account of popular wishes.

10. The main towns are: Cotonou, the economic capital and seat of government (536 000 inhabitants); Porto-Novo, administrative capital (176 000 inhabitants); and Parakou, the largest northern town (105 000 inhabitants).

B. People

11. The population's ethnic, religious and cultural characteristics are varied.

(a) Ethnic groups

12. There are 42 ethnic groups speaking over 50 dialects living in Benin. They belong to 8 major groups, namely: the Adja, Fon, Bariba, Dendi, Yoa-Lokpa, Peulh, Otomari and Yoruba.

(b) Languages

13. The working language in Benin is French. In addition, each ethnic group has its own national language. Fon, the main language of the south, is spoken by 42.2 per cent of the population, Adja by 15.6 per cent, Yoruba by 12.1 per cent and Bariba by 8.6 per cent. Eighteen languages are used in education and adult literacy, the press and broadcasting.

(c) Religions

14. There are several religions in Benin. The main ones are animism (35 per cent), Christianity (35 per cent), Islam (20.6 per cent), other religions (1.9 per cent), not declared (0.7 per cent). With the return of democracy, all these religions have been playing a larger part in the life of the country and emphasizing their characteristics.

(d) Population distribution by age

15. Benin's population is very young. Almost half (49 per cent) are under 15 years of age; 45 per cent are aged between 15 and 60 and about 6 per cent are over 60.

(e) Population distribution by gender

16. Out of a total population of 4,915,555 in 1992, 49 per cent were men and 51 per cent women. The gross employment rate is distributed as follows: men: 82.3 per cent; women: 54.7 per cent.

(f) Population distribution by area

17. The rural population accounts for 64 per cent of the total and the urban population 36 per cent; 62 per cent of the population is engaged in agriculture, fishing or forestry.

Population distribution by main age groups, according to place of residence

Age group	Urban	Rural	Total
0-14	45.3	50.4	48
15-59	49.9	42.9	46
60 and over	4.8	6.7	6
Total	100	100	100

(g) Population distribution by regions

18. About 70 per cent of the population lives in the south (Atlantique 21 per cent, Mono 13.8 per cent, Ouémé 17.8 per cent and Zou 16.7 per cent). Population density is therefore very hign in the south, up to 250 inhabitants per km². On the other hand, the north is less densely populated, with 13 inhabitants per km².

Atacora	13.2 per cent
Atlantique	21.75 per cent
Borgou	16.8 per cent
Mono	13.8 per cent
Ouémé	17.8 per cent
Zou	16.7 per cent

Population distribution by age groups and by provinces

Age group	Atacora	Atlantique	Borgou	Mono	Ouémé	Zou	Benin
0-14	49.7	44.8	51.2	51.0	48.2	48.4	48
15-59	43.9	50.4	43.8	42.7	45.4	44.1	46
60 and over	6.4	4.9	5.1	6.7	6.4	7.5	6
Total	100	100	100	100	100	100	100

(h) Population growth

19. Benin's population is growing rapidly, at an annual rate of 3.8 per cent. The birth rate is 47.4 per 100 and the infant mortality rate close to 98.6 per 1,000. The fertility rate is 7 children per woman. Average life expectancy at birth is 54.2 years (56.6 for women and 51.8 for men).

20. With international technical assistance, the Government has introduced a cooperation programme to improve the quality of life of the population, with special emphasis on certain target groups, such as young children, girls and women.

21. According to the statistics of the Directorate of Health Protection for 1991, the basic indicators were one doctor for 26,900 inhabitants, one nurse for 4,500 inhabitants and one midwife for 18,168 inhabitants. Together with the United Nations specialized agencies, Benin is implementing pilot projects for the deployment of health-care staff in cooperatives, in order to make health care more accessible to the most deprived sectors of the population (in cooperative clinics and communal health centres).

(i) School attendance rate

22. Like all the less advanced countries Benin has a very low rate of schooling. Economic difficulties and the decline of the family resulting from social change have hampered the efforts of the Government, which devotes one-third of the State's operating budget to education. The school attendance rate was 59 per cent in 1992. In Benin, there are two boys at school for every girl; out of 1,000 schoolchildren, 319 are nearing the end of primary school, i.e. about 40 per cent of the total. The pre-school attendance rate is 2 per cent (nurseries, kindergartens).

23. Despite an improved literacy programme in towns and in rural areas, the illiteracy rate is about 23 per cent (three out of four adults do not have access to the programme), while illiteracy among women is estimated at 88 per cent nationwide (five out of six women can neither read nor write). The Government has introduced a general sectoral strategy and has adopted a plan of action for the education sector highlighting the need for more assistance to improve school attendance, especially at pre-school level.

(j) Proportion of households headed by women

24. Despite the fact that head of household status is normally reserved for men, more and more women are assuming that status; in 1992, 25.3 per cent of households were headed by women in urban areas, compared with 18.6 per cent in rural areas, where women take over the running of households as a result of the departure of men to urban areas or the gradual loss of arable land.

(k) Socio-economic indicators

25. Socio-economic indicators have been supplied by the Ministry of Planning and Economic Restructuring and Job Promotion, in consultation with the United Nations Development Programme (UNDP).

26. Gross national product (GNP): GNP has risen steadily in the last three years. It was 501.9 billion CFA francs in 1990, 589.3 billion in 1991 and 632 billion in 1992. Per capita GNP is US$ 420, or approximately 220,000 CFA francs.

27. Gross domestic product (GDP): GDP was 502.3 billion CFA francs in 1990, rising to 535.8 billion in 1991 and 570.8 billion in 1992. On the basis of a population of 4,915,555 inhabitants in 1992, annual per capita GDP is estimated at about 131,600 CFA francs.

28. GDP rose by 3 per cent in 1990, 4 per cent in 1991 and 4.7 per cent in 1992. Further efforts are needed to maintain and even increase these rates, considering that the population is expected to grow by 2.9 per cent per annum in the 1990s.

29. External debt: in December 1991, outstanding external debt was at the very high figure of 230.75 billion CFA francs, or 44 per cent of GDP. Benin was granted a remission of 47 billion CFA francs of external debt after the second Paris Club meeting.

30. Employment: like most developing countries in Africa, Benin has also had to face a serious problem of underemployment and unemployment. All new recruitment in the public service was halted in 1986. Within the framework of its Structural Adjustment Programme (PAS), the Government has cut many jobs in the civil service through negotiated voluntary departures or targeted cut-backs.

31. At the end of 1992, nearly 4,200 persons left the civil service voluntarily, accounting for 24 per cent of central administration jobs, while 15,000 staff in public and part-public enterprises were cut back as a result of liquidations, privatizations and staff reductions.

32. The Government has undertaken a large-scale restructuring and liberalization programme in the agricultural sector in order to admit young persons and those who have lost their jobs to the economy. It had also adopted a new employment policy, based on free enterprise; the National Solidarity Fund for Employment has been set up to provide jobs for young persons coming onto the labour market and for re-employing workers dismissed for economic reasons.

33. In the second quarter of 1996, the Government adopted a new employment policy, which consisted in recruiting temporary and permanent staff in government employment on a competitive basis.

34. Standard of living (income): it is estimated that 40 per cent of the population live below the poverty threshold. Per capita income is US$ 360. Public development aid in 1990 came to US$ 254 million. The guaranteed minimum wage rose from 13,903 CFA francs to 21,000.

35. Public finances: as an instrument of government economic policy, the public finances play an important role in the national economy. The state of public finances has a substantial effect on economic growth.

36. Since the Active Forces ("Forces Vives") of the Nation Conference in 1990, Benin's public finances have continued to improve, confirming the success of current reforms. The good results were maintained after the CFA franc devaluation in January 1994. Budget revenues in the first quarter of 1995 came to 68.964 billion, which is 51.3 per cent of the annual forecast of 134.326 billion CFA francs. This is an increase of 70.7 per cent over the 1994 first half figure of 40.405 billion.

37. National operating budget (BNF) expenditure committed for the first half of 1995 comes to 45.332 billion CFA francs. This is an increase of 62.06 per cent over the 27.973 billion for the first half of 1994. This rise is due chiefly to the postponement of 1994 budget items to the second half. The implementation rate is 48.68 per cent, which reflects a relatively normal trend in BNF appropriations.

38. At 31 December 1994, outstanding external public debt came to 682.809 billion, including 462.151 billion of multilateral debt. Debt servicing came to 28.803 billion in 1995.

II. GENERAL POLITICAL STRUCTURE

Historical background

39. Benin is a former French colony (under the name of DAHOMEY), which achieved independence on 1 August 1960 after several decades of colonization. After independence, the country went through a period of acute political instability, with a succession of political regimes, punctuated by military coups, the most significant of which from a historical point of view was that of October 1972. Following the coup d'état of 26 October 1972 and the official adoption of scientific socialism based on Marxism-Leninism in 1975, the State took over all the vital sectors of the country's economy.

40. In February 1990, as a result of internal and external pressures, a conference of the country's active forces laid the foundations of a system based on the rule of law, respecting fundamental freedoms, ushered in democratic renewal and steered the economy towards liberalism. A prime minister was appointed. The country was renamed the Republic of Benin. On 11 December 1990, a new Constitution was adopted by referendum, reflecting the country's transition towards a system of presidential democracy. Eighty parties were registered and took part in the parliamentary elections.

41. In the presidential elections of March 1991, the Prime Minister was elected President with two thirds of the votes.

42. In 1993, the Constitutional Court was instituted. The Economic and Social Council and the Audiovisual Authority (HAAC) were set up in 1994.

43. The Act on the High Court of Justice was passed by Parliament in 1996.

44. New parliamentary elections were held in March 1995. One year later, new presidential elections were held and led to the return to power of the former President of the Republic (1972-1991).

III. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

45. There are several bodies which guarantee fundamental freedoms, freedom of movement and association, and the equality of all before the law, regardless of origin, race, sex, religion, political opinion or social position.

A. The Constitution

46. The Constitution is the highest law of the State of Benin. The Constitutional Court, which is the highest constitutional jurisdiction of the State, was instituted under article 114 of the Constitution in the following terms: "This Court shall judge whether the law is constitutional and shall guarantee the fundamental rights of the person and public liberties. It shall be responsible for regulating the running of institutions and the activities of public authorities". Under the Constitution, the judiciary is also independent of the legislature and the executive. The judiciary consists of the Supreme Court, courts and tribunals.

B. Remedies

47. The penal system is responsible for dealing with all matters relating to damage to persons or property. The civil, commercial and social courts deal with civil and commercial disputes or individual labour disputes.

48. Administrative appeals are brought before the administrative chamber of the Supreme Court. This chamber is the first and last court of appeal for administrative matters.

49. The Court of Appeal is a court of second instance, which deals with appeals against rulings given by courts of first instance. Sitting as assize court, it judges criminal cases as a court of first and last instance. According to article 207 of the Code of Penal Procedure, the assize court has full jurisdiction to judge individuals referred to it under a committal order. It hears no other form of indictment.

50. The Supreme Court is the State's highest jurisdiction in administrative and judicial cases and matters of the national accounts. It is also competent to deal with local election disputes. There is no appeal against decisions by the Supreme Court. They are effective against the executive, the legislature and all other courts.

51. A plaintiff who is not satisfied with an appeal decision may still appeal for a judicial review before one of the competent chambers.

52. The Supreme Court judges only the law and not the facts, which means that it is responsible for interpreting the law but does not re-examine the facts of a case.

C. Rights referred to in the various international human rights instruments

53. These treaties and agreements, which are duly ratified as soon as they are published, take precedence over domestic legislation. Moreover, the rights and obligations proclaimed and guaranteed by the African Charter on Human and Peoples' Rights, adopted in 1981 by the Organization of African Unity and ratified by Benin on 20 January 1986, are an integral part of Benin's Constitution and law and take precedence over domestic legislation (chapter II of the Constitution).

D. Human rights instruments which are part of the national legal system

54. Benin's Constitution of 11 December 1990 and domestic legislation refer closely to the following human rights instruments:

- International Covenant on Economic, Social and Cultural Rights of 16 December 1966, ratified by Benin on 12 March 1992.
- International Covenant on Civil and Political Rights of 16 December 1966, ratified by Benin on 12 March 1992.
- Convention on the Rights of the Child of 20 November 1989, ratified by Benin on 3 August 1990.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, ratified by Benin on 12 March 1992.
- Convention on the Elimination of All Discrimination against Women of 18 December 1979.
- International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November 1973, ratified by Benin on 30 December 1974.
- Slavery Convention of 25 September 1926, ratified by Benin on 4 April 1962.
- African Charter on the Rights and Welfare of the Child, ratified by Benin in May 1996.

55. Benin is considering becoming a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Family and the International Convention on the Elimination of All Forms of

Racial Discrimination. In addition to these Covenants and Conventions duly ratified by Benin, the Constitution of 11 December 1990 stipulates in article 8 that: "The human person is sacred and inviolable". The State has an absolute obligation to respect and protect the human person and to guarantee personal fulfilment.

56. To that effect, it provides its citizens with equal access to health, education, culture, information, vocational training and employment.

57. The Constitution also enables every citizen to refer any acts which he or she may deem contrary to human rights to the Constitutional Court.

E. Human rights instruments and the national courts, other tribunals and/or administrative authorities

58. All provisions of the human rights instruments may be invoked before the courts or administrative authorities, since the Constitution, in its preamble, reasserts its attachment to the principles of democracy and human rights as defined in the 1945 United Nations Charter, the 1948 Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights, adopted in 1981 by the Organization of African Unity and ratified by Benin on 20 January 1986, and whose provisions are an integral part of the Constitution.

F. National machinery with responsibility for overseeing the implementation of human rights

59. The national machinery with responsibility for overseeing the implementation of human rights in Benin is as follows:

- The Benin Commission on Human Rights, established by Act No. 89-004 of 12 May 1989, whose mission is to promote and safeguard human rights in the Republic of Benin.

- Defence for Children International, a non-political international non-governmental organization, which aims to promote and defend the rights of the child throughout the world (Benin section set up in June 1990).

- Amnesty International, an international institution which aims to promote respect for the provisions of the Universal Declaration of Human Rights (Benin section set up in 1991).

- The Association for the Prevention of Juvenile Delinquency, set up on 20 September 1990, registered on 29 March 1991, whose aim is to make public opinion aware of parental responsibility towards children. Local activities are organized for children without schooling in order to keep them in their home environment.

- The GERDDES-Benin (Study and Research Group on Democracy and Economic and Social Development) established in Benin on 19 May 1990, with the objective of promoting democracy as a means of speeding up economic and social development.

- Institute for Human Rights and Daily Democracy, registered on 14 April 1993, with the mission of teaching essential human rights concepts and democratic principles on a large scale.

- The Association of Women Lawyers of Benin, set up on 20 January 1990, with the aim of defending human rights and especially those of women and children.

- The Benin Human Rights League.

- The Inter-African Association for the Protection and Defence of the Rights of the Child.

IV. INFORMATION AND PUBLICITY

60. Conferences, seminars, round tables and workshops have been organized to disseminate knowledge of the legal instruments ratified by Benin. The Institute for Human Rights also gives courses and lectures for the dissemination of these instruments.

61. At the Government's initiative, the United Nations Centre for Human Rights sent an assessment mission led by Mr. Laity Kama to Cotonou in October 1992. The mission report served as a basis for the conclusion of a memorandum of cooperation between the Centre and Benin.

62. Under the terms of the memorandum, the Centre provides assistance to our country for the task of aligning rules concerning the administration of justice and the police with international human rights standards.

63. Benin's intention is to develop a real human rights culture in a truly democratic society, with constant reference to the participation of civil society in the State's decision-making process.